



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Fiftieth Meeting Day

Tuesday Afternoon

April 22, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Mark Pittman, First Baptist Church, Mitchell, the guest of Representative Jerry L. Denbo.

The Pledge of Allegiance to the Flag was led by Representative Denbo.

The Speaker ordered the roll of the House to be called:

| | |
|-------------|-------------|
| T. Adams | Kromkowski |
| Aguilera | Kruse |
| Alderman | Kuzman |
| Austin | LaPlante |
| Avery | L. Lawson |
| Ayres | Lehe |
| Bardon | Leonard ☐ |
| Becker | Liggett |
| Behning | J. Lutz |
| Bischoff | Lytle ☐ |
| Borror | Mahern |
| Bosma | Mangus |
| Bottorff | Mays |
| C. Brown | McClain |
| T. Brown | Moses |
| Buck | Murphy |
| Budak | Neese |
| Buell | Noe |
| Burton | Orentlicher |
| Cheney | Oxley |
| Cherry | Pelath |
| Chowning | Pflum |
| Cochran | Pierce |
| Crawford | Pond |
| Crooks | Porter |
| Day | Reske |
| Denbo | Richardson |
| Dickinson | Ripley |
| Dobis | Robertson |
| Duncan | Ruppel |
| Dvorak | Saunders |
| Espich | Scholer |
| Foley | V. Smith |
| Frenz | Stevenson |
| Friend | Stilwell |
| Frizzell | Stine |
| Fry ☐ | Stutzman |
| GiaQuinta ☐ | Summers |
| Goodin | Thomas |
| Grubb | Thompson |
| Gutwein | Torr |
| Harris | Turner |
| Hasler | Ulmer |
| Heim | Weinzapfel |
| Herrell | Welch |
| Hinkle | Whetstone |
| Hoffman | Wolkins |
| Kersey | D. Young |
| Klinker | Yount |
| Koch | Mr. Speaker |

Roll Call 608: 96 present; 3 excused; 1 absent. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused; ☐ indicates those who were absent.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 23, 2003, at 1:30 p.m.

GOODIN

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 22, 2003, I signed into law House Enrolled Acts 1044, 1102, 1129, 1155, and 1397.

FRANK O'BANNON
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 26, 35, 109, 117, 203, 363, 417, 438, 485, 503, and 504 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 70

Representatives Welch, Hasler, Dvorak, Austin, Bardon, Frenz, Orentlicher, Pierce, Murphy, T. Brown, Heim, Koch, Ripley, and Thomas introduced House Concurrent Resolution 70:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study technology issues.

Whereas, There is a need to study existing statutes and proposed legislation related to technology, science, and economic development in Indiana; and

Whereas, Changes in technology are happening at such breakneck speed, the General Assembly, the Legislative Council, and the Governor could benefit from the advice of an informed group of people relating to matters that deal with technology, science, and economic development: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish an interim study committee to study technology issues.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Ford, Skillman, Broden, Harrison, Clark, and Simpson.

House Concurrent Resolution 71

Representative Bischoff introduced House Concurrent Resolution 71:

A CONCURRENT RESOLUTION urging the establishment of a study committee to study the eligibility of volunteer firefighters and EMTs to receive worker's compensation benefits.

Whereas, Volunteer firefighters and EMTs put their lives on the

line each time they go on duty; and

Whereas, These dedicated public servants are entitled to worker's compensation benefits when they are injured in the line of duty: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to establish a committee to study the eligibility of volunteer firefighters and EMTs to receive worker's compensation benefits.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Landske and L. Lutz.

House Concurrent Resolution 72

Representative Thompson introduced House Concurrent Resolution 72:

A CONCURRENT RESOLUTION regarding Indiana Water Shortage Policy.

Whereas, In response to the 1988 Indiana drought, the State of Indiana prepared a water shortage plan in 1994;

Whereas, The 1994 water shortage plan establishes certain guiding principles and lists the selections of possible actions that could be taken as a drastic water shortage is determined possible, is determined probable and is occurring;

Whereas, The 1994 water shortage plan includes temporary conservation measures and leaves to the Indiana department of natural resources and to a to-be-established water shortage task force the actual decisions of how to communicate these options or how to enforce mandatory reductions in use;

Whereas, The water shortage task force that the 1994 water shortage plan recommended be established to decide when and how voluntary conservation measures should be implemented has never been established;

Whereas, Surface water and ground water policies are interrelated and any comprehensive policy must take into account the difference between consumptive and nonconsumptive (e.g. once-through cooling water) uses of each;

Whereas, When a weather condition cause a serious water shortage to occur again, the state and local government must implement strong policies to decide priorities among factors such as public health needs, aquatic, biota, irrigation, industrial use and electricity production, these types of decisions need to be thought through in advance of being proposed for implementation;

Whereas, Based on historical records, a period of water shortage much greater than the 1988 drought has occurred in the decades prior to 1988 and highly likely in the decades ahead;

Whereas, There are other water shortage possibilities besides drought (such as collapse of domestic water distribution infrastructure and terrorist activity) that the 1994 water shortage plan does not address;

Whereas, The minimum water flow desired for habitat mentioned in the 1994 water shortage plan is a policy issue needing discussion, decision, and resource allocation to implement: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The Indiana Department of Natural Resources shall develop a work plan to update, expand, and revise the 1994 water shortage plan with involvement of representatives of all affected parties to include a low flow/drought priority use schedule.

SECTION 2. The Indiana Department of Natural Resources will a recommended work plan to the Water Resources Study Committee August 1, 2003.

SECTION 3. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Indiana Department of Natural Resources.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Weatherwax.

House Resolution 88

Representatives Friend and Grubb introduced House Resolution 88:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study Indiana renewable fuels use and production.

Whereas, Renewable fuel means fuel that is biodiesel, ethanol, biogas, liquid fuel produced from biomass, and used to reduce the quantity of fossil fuel present in a fuel mixture;

Whereas, Renewable fuels are friendly to the environment;

Whereas, Renewable fuels would create additional jobs in Indiana, while utilizing Indiana agricultural commodities;

Whereas, Renewable fuels would enhance Indiana's economy, while reducing our nation's reliance on imported oil;

Whereas, A study committee is necessary to find the best way for Indiana to support Indiana renewable fuels use and production, and to consider whether statutory changes are necessary: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. The legislative council is urged to establish an interim study committee to study Indiana renewable fuels use and production.

SECTION 2. The committee, if established, shall operate under direction of the legislative council and issue a final report when directed to do so by the council.

SECTION 3. The Principal Clerk of the Indiana House of Representatives is directed to transmit a copy of this resolution to the Indiana Soybean Growers Association.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1218.

GRUBB

Roll Call 609: yeas 87, nays 0. Motion prevailed.

Representative Heim was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1431.

L. LAWSON

Roll Call 610: yeas 83, nays 1. Motion prevailed.

Representative Borror was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1553.

LIGGETT

Roll Call 611: yeas 86, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1556.

LIGGETT

Roll Call 612: yeas 87, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1653.

BARDON

Roll Call 613: yeas 87, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1695.

CRAWFORD

Roll Call 614: yeas 87, nays 0. Motion prevailed.

Representative Heim, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1702.

C. BROWN

The question was on the motion to concur. Representative C. Brown moved that the absentees be called. Motion prevailed. The absentees were called.

Representative Mangus moved that the absentees be excused. Motion failed. The Chair continued to call the absentees.

Roll Call 615: yeas 51, nays 43. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1731 and that the House now concur in the Senate amendments to said bill.

AGUILERA

Roll Call 616: yeas 84, nays 0. Motion prevailed.

Representatives Borrer and Leonard, who had been excused, were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1738.

KUZMAN

Roll Call 617: yeas 64, nays 26. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1849.

L. LAWSON

Roll Call 618: yeas 89, nays 0. Motion prevailed.

Representative Liggett was excused for the rest of the day.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1980.

AVERY

Roll Call 619: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1438.

WELCH

Roll Call 620: yeas 86, nays 0. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1047 Conferees: Grubb and Ulmer
Advisors: Kuzman and Richardson

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1664 Advisor: Torr
EHB 2008 Advisor: Cochran
ESB 341 Advisor: Torr replacing Murphy

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1034, 1212, 1260, 1276, 1353, 1365, 1367, 1510, 1571, 1623, 1643, 1683, 1704, 1748, and 1902 and Senate Enrolled Acts 26, 35, 109, 117, 120, 203, 205, 215, 247, 304, 354, 363, 365, 438, 451, 455, 457, 477, 485, 503, and 504 on April 22.

REPORTS FROM COMMITTEES

CONFERENCE COMMITTEE REPORT

EHB 1605-1; filed April 22, 2003, at 1:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1605 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-69.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 69.3. "Funeral escort" has the meaning set forth in IC 9-21-13-0.3.**

SECTION 2. IC 9-13-2-69.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 69.5. "Funeral procession" has the meaning set forth in IC 9-21-13-0.5.**

SECTION 3. IC 9-19-14.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned vehicle belonging to a certified emergency medical technician, certified emergency medical service driver, or certified emergency medical service first responder while traveling in the line of duty in connection with emergency medical services activities may display **flashing or revolving** green lights, subject to the following restrictions and conditions:

(1) The lights may not have a light source less than fifty (50) candlepower.

(2) All lights shall be placed on the top of the vehicle.

(3) Not more than two (2) green lights may be displayed on a vehicle and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.

(4) The lights must consist of a lamp with a green lens and not of an uncolored lens with a green bulb. However, the revolving lights may contain multiple bulbs.

(5) The green lights may not be a part of the regular head lamps displayed on the vehicle.

(6) For a person to be authorized under this chapter to display a **flashing or revolving** green light on the person's vehicle, the person must first secure a written permit from the director of the state emergency management agency to use the light. The permit must be carried by the person when the light is displayed.

SECTION 4. IC 9-19-14.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Except as provided in section 1 of this chapter, a person who displays on any public or private motor vehicle at any time **flashing or revolving** green lights of any size or shape commits a Class C infraction.

SECTION 5. IC 9-19-14.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. This chapter does not prohibit the operation of a vehicle lawfully equipped with a **flashing or revolving** green light from being operated as any other vehicle when the green light is not illuminated.

SECTION 6. IC 9-21-13-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 0.3. As used in this chapter, **"funeral escort" means a person that provides escort services for funeral processions.**

SECTION 7. IC 9-21-13-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 0.5. As used in this chapter, **"funeral procession" means two (2) or more vehicles, including a lead or a funeral escort vehicle, accompanying human remains.**

SECTION 8. IC 9-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A vehicle with lighted headlights in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is headed by a lead or **funeral** escort vehicle displaying alternately flashing red and blue lights, except if either of the following conditions exist:

- (1) When the right-of-way is required by an authorized emergency vehicle giving an audible signal.
- (2) When the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, a person who drives a vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

SECTION 9. IC 9-21-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. A person who drives a vehicle that is not a part of a funeral procession may not **join the procession or** form a procession and have headlights lighted for the purpose of securing the right-of-way granted by this chapter to funeral processions.

SECTION 10. IC 9-21-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The lead and **funeral** escort vehicles in a funeral procession may be equipped with flashing amber lights that may be used only when the vehicles are used in a funeral procession.

(b) Notwithstanding any other provisions in this article that govern emergency vehicles, the lead and **funeral** escort vehicles in a funeral procession may be equipped with flashing red lights that may be used only when the vehicles are used in a funeral procession. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

SECTION 11. IC 9-21-13-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) **A person operating a vehicle in a funeral procession:**

- (1) **must exercise due caution while in the funeral procession; and**
- (2) **must follow the preceding vehicle in the funeral procession as closely as is practical and safe.**
- (b) **A vehicle that is part of a funeral procession:**
 - (1) **must have its headlights and taillights illuminated; and**
 - (2) **may display flashing amber lights.**
- (c) **The operator of:**
 - (1) **a vehicle immediately following the lead vehicle in a funeral procession; and**
 - (2) **the last vehicle in the funeral procession;**

may illuminate the vehicle's hazard warning lights while in the funeral procession.

SECTION 12. IC 9-21-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A vehicle that is a part of a funeral procession ~~shall~~ **may** use:

- (1) funeral pennants or flags; **or**
- (2) windshield stickers; **or**
- (3) **an amber light as described in section 4.5(b) of this chapter;**

to identify the vehicle as a part of the procession.

(Reference is to EHB 1605 as printed April 4, 2003.)

| | |
|-----------------|------------------|
| RESKE | JACKMAN |
| KOCH | LANANE |
| House Conferees | Senate Conferees |

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bills 136 and 311.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1791.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 6, 136, 227, 308, 311, 420, 446, and 519.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 58, 59, 67, and 68 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1410:

Conferees: Harrison and Craycraft
Advisors: Hershman and Antich

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1545:

Conferees: Paul and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the

Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1664:

Conferees: Merritt replacing Weatherwax

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 2008:

Conferees: Borst and Simpson

Advisors: Ford and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 74 and 75 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1791, Roll Call 596, on April 17, 2003. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, the voting machine did not register my vote. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for the concurrence on Engrossed House Bill 1791 is 88 yeas, 1 nays.*]

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Yount, the House adjourned at 2:45 p.m., this twenty-second day of April, 2003, until Wednesday, April 23, 2003, at 1:30 p.m.

B. PATRICK BAUER
Speaker of the House of Representatives

DIANE MASARIU CARTER
Principal Clerk of the House of Representatives